

**MINUTES OF THE PROCEEDINGS
OF THE
COMMON COUNCIL**

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, FEBRUARY 9, 2023

The City Council met in Regular Session Thursday, February 9, 2023 at 6:00 P.M. in the City Hall Courtroom with Mr. DeBaun presiding and Michelle L. Edwards in the City Clerk's desk.

**Moment of Silence and Pledge of Allegiance to the Flag
Calling Of the Roll**

PRESENT: Amy Auler, George Azar, Tammy Boland, Martha Crossen, Curtis DeBaun IV, O. Earl Elliott, Neil Garrison, Cheryl Loudermilk, Todd Nation

Public Comment on Items Not on the Agenda

- a. Lou Britton concerning the proposed change to zoning code and the need for additional amendments.
- b. Donald Hyde concerning saving Markle Dam
- c. Ryan Wickens concerning the Terre Haute Metropolitan Planning Organization meeting on 3-27-2023.
- d. Tom Kuhl concerning the animal control issue and St Franice Canine Rescue
- e. Vicki Curts concerning animal control, puppy mills and animal shelters.
- f. Tess Stephens concerning ARPA funds, the recent presentation, minority representation on boards and commissions, and vacant homes being billed for trash services.
- g. Phil Deckert concerning projects, increases in taxes and drug treatment.
- h. Karrum Nasser, Solid Waste Management Director, comments on the new projects and processes implemented. He discusses the recycling programs available and special events.

**No Corrections to the Journal of the Preceding Meeting
No Communication from the Mayor**

Reports from City Officials

- a. Fire Chief Bill Berry presenting an update on the Fire Prevention N/R Budget. He introduced Terry Coker as the new inspection director.

No Reports from Board of Public Works and Safety

No Reports from Standing Committees

No Reports from Non-Standing Committees

No Items Previously Tabled

No Tax Abatements for Confirmation

Items on Second Reading

General Ordinances

GENERAL ORDINANCE 3, 2023 - Amending City Code, Chapter 8, Article 1, Division IV, Sec. 8-21, Specific One-Way Street Designations, 34th Street from South 34th Street to Brown Avenue <Elliott>

GENERAL ORDINANCE 3, 2023 was read by digest. Motion was made by Councilperson Elliott and seconded by Councilperson Garrison to pass GENERAL ORDINANCE 3, 2023. Motion carried with five (5) yes votes and four (4) no votes with Councilpersons Boland, Crossen, Elliott, Garrison, and Nation voting yes and Councilpersons Auler, Azar, Loudermilk and DeBaun voting no.

GENERAL ORDINANCE NO. 3, 2023

AN ORDINANCE MODIFYING CERTAIN PROVISIONS OF THE TERRE HAUTE CITY CODE RELATED TO ONE-WAY STREET DESIGNATION ON 34TH STREET FROM 34TH STREET TO BROWN AVENUE.

IT IS HEREBY ORDAINED by the Common Council of the City of Terre Haute that the Terre Haute City Code shall be modified as follows:

SECTION 1. Terre Haute City Code shall be modified with the insertion of the underlined text and deletion of the stricken text as follows:

CHAPTER 8: TRAFFIC & PARKING REGULATIONS

ARTICLE 1. TERRE HAUTE TRAFFIC CODE.

Division IV. One-Way Street Regulations.

Sec. 8-21 Specific One-Way Street Designations – Schedule E.

	STREET	FROM	TO	DIRECTION OF TRAVEL
115	34th St.	S. 34th St.	Brown Ave.	Westbound

SECTION 2. The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: O. Earl Elliott, Councilperson

Passed in open Council this 9th day of February, 2023.

Curtis DeBaun, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 10th day of February, 2023.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 10th day of February, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards, City Clerk

ITEMS ON FIRST READING

General Ordinances

GENERAL ORDINANCE 4, 2023 – Amending City Code, Chapter 8, Section 8-13, Signalized Intersections – Schedule D, East Margaret Drive and Entrance to 4500 East Margaret Drive <Elliott>

GENERAL ORDINANCE 4, 2023 was read by digest. Motion was made by Councilperson Garrison and seconded by Councilperson Azar to take action on GENERAL ORDINANCE 4, 2023. Motion carried unanimously. Motion was made by Councilperson Azar and seconded by Councilperson Boland to pass GENERAL ORDINANCE 4, 2023. Motion carried.

GENERAL ORDINANCE NO. 4, 2023

AN ORDINANCE AMENDING CHAPTER 8, SECTION 8-13, SIGNALIZED INTERSECTIONS – SCHEDULE D OF THE TERRE HAUTE CITY CODE.

IT IS HEREBY ORDAINED by the Common Council of the City of Terre Haute that the *Terre Haute City Code* shall be modified as follows:

SECTION 1. The *Terre Haute City Code*, Chapter 8, Section 8-13, Signalized Intersections – Schedule D, is hereby amended by insertion of the following signalized intersection:

CHAPTER 8: TRAFFIC & PARKING REGULATIONS

Sec. 8-13 Signalized Intersections – Schedule D.

	STREET	STREET	
<u>67</u>	<u>East Margaret Drive.</u>	<u>Entrance to 4500 East Margaret Drive</u>	

SECTION 2. Due to the safety and increase in traffic volume at East Margaret Road and 4500 East Margaret Road a new traffic signal shall be located at the intersection of East Margaret and 4500 East Margaret.

SECTION 3. THEREFORE, BE IT ORDAINED by the Common Council of the City of Terre Haute that a new traffic signal located at the intersection of East Margaret Drive and 4500 East Margaret Drive shall be installed

SECTION 4. The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

SECTION 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: O. Earl Elliott, Councilperson
Passed in open Council this 9th day of February, 2023.
Curtis DeBaun, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 10th day of February, 2023.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 10th day of February, 2023.
Duke A. Bennett, Mayor
ATTEST: Michelle L. Edwards, City Clerk

Special Ordinances

SPECIAL ORDINANCE 2, 2023 - Vacating of an East-West Public Alley located south of 2425 1st Avenue (eastern four feet of Lot 217) through 920 North 25th Street <Garrison>

SPECIAL ORDINANCE 2, 2023 was read by digest. Motion was made by Councilperson Auler and seconded by Councilperson Loudermilk to take action on SPECIAL ORDINANCE 2, 2023. Motion carried unanimously. Motion was made by Councilperson Nation and seconded by Councilperson Azar to pass SPECIAL ORDINANCE 2, 2023. Motion carried.

SPECIAL ORDINANCE NO.2. 2023

AN ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDERED by the Common Council of the City of Terre Haute, Indiana.

SECTION 1. Pursuant to the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a portion of a public alley located in the City of Terre Haute, Vigo County, Indiana, which is now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

Beginning at the Southeast corner of Lot 211 in Locust Street Subdivision as part of the Southwest Quarter (SW ¼) of Section 14, Township 12 North, Range 9 West, as per the recorded plat of the same, in Plat Record 6A, Page 79, recorded in the Office of the Recorder of Vigo County, Indiana; thence West along the South line of Lots 211, 212, 213, 214, 215, 216, and four (4) feet of Lot 217 in Locust Street Subdivision; thence due South fifteen (15) feet more or less to the North Lot Line of Lot 260 in Locust Street Subdivision; thence East along the North line of Lots 260, 261, 262, 263, 264, 265, and 266 to the Northeast corner of Lot 266; thence North to the Southeast corner of Lot 211, being the place of beginning.

SECTION 2. Be it further ordained that said portion of said alley in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

SECTION 3. Be it further ordained that the City Clerk be, and she is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member: Neil Garrison, Councilperson
Passed in open Council this 9th day of February, 2023.

Curtis DeBaun, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 10th day of February, 2023.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 10th day of February, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Richard J. Shagley

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

Motion was made by Councilperson Azar and seconded by Councilperson Auler that the meeting be adjourned. Motion carried.

Kelley Duggins
Chief Deputy City Clerk

Curtis DeBaun IV, President

Michelle L. Edwards, City Clerk